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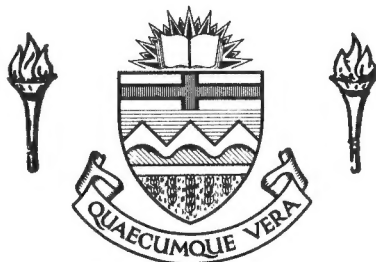
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The Historical and Scientific Society  
of Manitoba



OUR INDIAN  
TREATIES

BY

HON. DAVID LAIRD

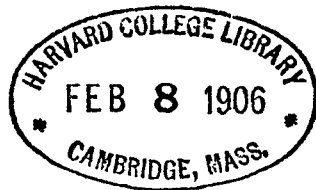
President of the Society  
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WINNIPEG:

THE MANITOBA FREE PRESS COMPANY  
1905





*The Society.*

## NORTH-WEST INDIAN TREATIES

The British Crown, in acquiring territories beyond the seas, has in general been conceded the high honor of dealing kindly with aboriginal races. Perhaps nowhere has this fact been more manifest than in Canada since it came into the possession of Great Britain on the 9th of September, 1760. As early as 1781 Governor-General Haldimand, through Lieutenant-Governor Robert Sinclair, paid the Indians £5,000, or \$20,000, for the surrender of a small island in the Strait between Lakes Huron and Michigan. In 1874 the Crown obtained from the Mississagua Indians the surrender of a large tract of land between Lakes Erie and Ontario; and in 1793 by letters patent, granted the greater part of it to the Chiefs, warriors and people of the Six Nations as a reward for their attachment and fidelity to King George the Third. Almost every year since one agreement or more has been made with the Indians of what was long known as Upper Canada, securing, by compensation, the surrender of portions of territory. Two of the largest of these transactions or treaties were negotiated in 1850 by Hon. William Benjamin Robinson, through one of which the Ojibway Indians ceded the lands between Lake Huron and the Height of Land which divides the waters flowing into the Lake of the Woods; and by the other a similar tract of land west of Lake Superior. In 1862, Hon. William McDougall, then Superintendent-General of Indian Affairs, and his Deputy, William Spragge, Esq., made a treaty with the Indians of Manitoulin Islands for the surrender of the same to Her Majesty Queen Victoria.

But after the Confederation of the Provinces, and upon the Dominion of Canada obtaining by purchase from the Honorable Hudson's Bay Company, through the British Government, the transfer in 1870 of all the territory between the Height of Land above mentioned and the Rocky Mountains, and extending from the United States boundary to the Arctic Ocean, a somewhat more comprehensive policy was adopted in dealing with the Indians of said territory than obtained under Old Canada. In regard to all such portions of the transferred country as were required for settlement, or for mining, lumbering or transportation purposes, treaties were made. Though the sovereign right to the soil was still held to be in the Crown, yet it was recognized that there was an

Indian title that ought to be extinguished before the lands were patented to settlers. This title is, of course, simply an admission that the Indians should not be deprived of their occupation rights without compensation and their formal consent. In Upper Canada, except in the case of the Robinson and McDougall Treaties, the surrender had been taken for certain lands to which the Indians laid a special claim; but in the later Treaties and in those of the North-West, the Indian title was extinguished over the whole area of country to be utilized by incoming settlers, out of which, of course, the Indians were allowed extensive reserves at places generally selected by themselves. Not only were the Indians thus dealt with, but the Half-breeds in Manitoba and the North-West Territories, on account of their possessing Indian blood, have been allowed lands and scrip to extinguish the share of title which comes to them through that blood, over the areas included in the Indian Treaties.

It should be remarked here that the Government of Canada permits no one to deal with the Indians respecting lands except persons duly authorized by it for the purpose. All sales or surrenders of land by Indians to others than the Crown are invalid.

Before Canada, however, came into possession of the Hudson's Bay Company's territories, the principle of extinguishing the Indian title was partially acknowledged in the Red River country. The Earl of Selkirk, who had purchased in 1811 from the said Company a tract of land which included the greater portion of the present Province of Manitoba, in 1817 made a treaty with the Saulteaux and Crees of the Red River, granting and conferring a strip of land from two to six miles on each side of said river, from Lake Winnipeg to the Great Forks at the mouth of Red Lake River, to King George the Third. This grant to his Majesty was not, however, made good, for owing to some weakness on the part of the Indians concerned or of King George and his successors, the Red River and its bordering lands south of Pembina some seventy-five miles to Grand Forks belong now to the United States. At any rate as the compensation given in the Selkirk Treaty was small and its terms somewhat vague, it was ignored when the north Red River country became a part of Canada.

The Indian Treaties made under the Dominion Government in the North-West are eight in number. With the latter five of these the writer was in some measure concerned, either

as Superintendent-General of Indian Affairs, or as Chief Commissioner for their negotiation.

Treaties 1 and 2 were negotiated in 1871, by Commissioner Wemyss M. Simpson, assisted by Lieutenant-Governor Archibald, the former at the Stone Fort on the 3rd of August; and the latter on the 21st of the same month at Manitoba Post. Treaty 1 embraced in round terms the territory included in Old Manitoba, and the latter, that covered by the extension of the Province to its present boundaries, with a small portion of Southern Assiniboia,

Treaty No. 3 was made on the 3rd of October, 1873, at the Northwest Angle, by Commissioners, Lieutenant Governor Morris, Joseph A. N. Provencher, and Simon James Dawson, with the Saulteaux tribe of the Ojibway Indians inhabiting the southern part of what is now called New Ontario.

Treaty No. 4 was concluded on 15th September, 1874, between Commissioners Lieutenant-Governor Morris, D. Laird, and William J. Christie, and the Cree, Saulteaux and other Indians inhabiting the territory mainly included now in the District of Assiniboia, but on the east running as far north as the western extremity of Lake Winnipegosis.

Treaty No. 5 was negotiated on the 20th September, 1875, at Berens River on Lake Winnipeg, between Commissioners Lieutenant-Governor Morris and Hon. James McKay, and the Saulteaux and Swampy Crees in the country around the north end of Lake Winnipeg, and, by later adhesions, with those inhabiting both sides of the Saskatchewan River as far west as Cumberland House.

Treaty No. 6 was concluded near Carlton, on the 23rd and 29th of August, respectively, and at Fort Pitt on the 9th of September, in the year 1876, between Commissioners Lieutenant-Governor Morris, Hon. James McKay and William J. Christie, with the Plain and Wood Crees, and other Indians, inhabiting the country west of Treaties 4 and 5, to the Rocky Mountains, north to the Athabasca River and south to the Red Deer River.

Treaty No. 7 was negotiated on the 22nd September, 1877, at the Blackfoot Crossing of the Bow River, between Commissioners Lieutenant-Governor Laird and Lieutenant-Colonel James F. McLeod, Commissioner of the North-West Mounted Police, and the Blackfoot, Blood, Peigan, Sarcee and Stony Indians inhabiting the country west of Treaty 4 to the Rocky



Mountains, and from the International boundary to the southern limits of Treaty 6.

Treaty No. 8 was made and concluded at the several dates mentioned therein in 1899, the first being at Lesser Slave Lake on the 21st of June, between Commissioners D. Laird, James A. J. McKenna, now Assistant Indian Commissioner, and Hon. James H. Ross, and the Cree, Beaver, Chipewyan and other Indians inhabiting the country watered by the Athabasca and Peace Rivers, in the District of Athabasca, also that portion of British Columbia east of the Rocky Mountains, and of the McKenzie District south of Great Slave Lake.

Several adhesions to these Treaties were also taken at various times from Chiefs and Headmen who happened not to be present at the dates when the first negotiations were effected. An increase in the allowance first made to the Indians under Treaties 1 and 2 was likewise conceded.

In general, the terms granted under these Treaties were a present of Twelve Dollars and an annuity of Five Dollars for each man, woman and child so soon as the Chiefs signed the treaty. Twenty-five Dollars was given each Chief, and Fifteen Dollars to each Headman, and a uniform of clothing befitting these two ranks every three years. Reserves 640 acres for a family of five, or at the rate of 128 acres for every man, woman and child. An annual allowance of ammunition and twine was also granted; and where farming and grazing operations are practicable and engaged in, a supply of agricultural implements, seed grain, cattle, and carpenters' tools were to be provided. Schools were also to be established on the reserves. They were likewise permitted to pursue their avocations of hunting, trapping and fishing throughout the territory surrendered, subject to such regulations as may from time to time be made by the Government of the country, acting under the authority of the Sovereign, and saving and excepting such tracts as may be required or taken up for settlement, mining, or other purposes, under the sanction of the Government. The Indians on their part, besides surrendering the land, promised to conduct themselves as good and loyal subjects of the Sovereign by maintaining peace and obeying the laws.

In negotiating these Treaties three or four days were sometimes occupied in pow-wowing before the Indians would come to terms. Grandiloquent speeches were occasionally made by the Chiefs, who mostly concluded their orations by making

extravagant demands. In nearly all the Treaties the Indian Commissioners were greatly assisted by the active influence of the Hudson's Bay Company's officers in the Territories, by the clergy of the several Churches which had missions in the country, and also on several occasions, but particularly at the Blackfoot Treaty in 1877, by the Mounted Police officers, who had gone into these Indians' country with the force three years previously. The Police had obtained a most beneficial influence among the Blackfeet by suppressing the American whiskey trade and establishing law and order in the territory. This influence was exerted to secure the negotiation of the Treaty, which otherwise could scarcely have been successfully concluded.

I may give two brief specimens of Indian oratory at the Blackfoot Treaty which will illustrate that there are reasonable as well as unreasonable Indians. Indeed, in this respect, according to their opportunities, they are scarcely a whit behind their white brethren.

On the third day of meeting the Indians at Blackfoot Crossing, Button Chief said:—"The Great Spirit sent the white man across the waters to carry out His (the Great Spirit's) end. The Great Spirit, and not the Great Mother, gave us the land. The Great Mother sent Stamixtokon (Col. McLeod) and the police to put an end to the traffic in fire-water. I can sleep now safely. Before the arrival of the police, when I laid my head down at night, every sound frightened me; my sleep was broken; now I can sleep sound and am not afraid. The Great Mother sent you to this country, and we hope she will be good to us for many years. I hope and expect to get plenty. We think we will not get so much as the Indians receive from the Americans on the other side; they get large presents of flour, sugar, tea and blankets. The Americans gave at first large bags of flour, sugar and many blankets; the next year it was only half the quantity, and the following years it grew less and less, and now they give only a handful of flour. We want to get fifty dollars for the Chiefs and thirty dollars each for all the others, men, women and children, and we want the same every year for the future. We want to be paid for all the timber that the police and whites have used since they first came to our country. If it continues to be used as it is, there will soon be no firewood left for the Indians. I hope, Great Father, that you will give us all this that we ask."

Governor replied:—"I fear Button Chief is asking too much. He has told us of the great good the police have done for him and his tribe and throughout the country by driving away the whiskey traders, and now he wants us to pay the Chiefs fifty dollars and others thirty dollars per head, and to pay him for the timber that has been used. Why, you Indians ought to pay us for sending the Police to drive these traders in fire-water away and giving you security and peace, rather than we pay you for the timber used." (Here the Indians indulged in a general hearty laugh at this proposition.)

Next day, on which the Treaty was concluded, Crowfoot said:—"While I speak, be kind and patient. I have to speak for my people, who are numerous, and who rely upon me to follow that course which in the future will tend to their good. The plains are large and wide. We are the children of the plains; it is our home, and the buffalo has been our food always. I hope you look upon the Blackfeet, Bloods and Sarcees as your children now, and that you will be indulgent and charitable to them. They all expect me to speak now for them, and I trust the Great Spirit will put into their breasts to be a good people—into the minds of the men, women and children and their future generations. The advice given me and my people has proved to be very good. If the police had not come to the country where would we be all now? Bad men and whiskey were killing us so fast that very few, indeed, of us would have been left to-day. The police have protected us as the feathers of the bird protect it from the frosts of winter. I wish them all good, and trust that all our hearts will increase in goodness from this time forward. I am satisfied. I will sign the Treaty."

This speech settled the matter. Crowfoot was perhaps the shrewdest Indian I ever met. He was not only a Head Chief in name, but one of Nature's noblemen. When he had concluded, even Button Chief remarked: "I must say what all the people say, and I agree with what they say. I cannot make new laws. I will sign."

The total number of Indians within the limits of these Treaties is 27,124, of whom 165 are stragglers who have not taken treaty, and 850 are Sioux, leaving 26,109 who receive annuities. The Sioux, who are refugees from the United States, were not given annuities as they had no title to the lands of this country. But as they had escaped to British Territory after killing a number of whites in Minnesota in

1862, and were quite unwilling to return south of the boundary, they were given small reserves and a little help to start farming, in order that they might not trespass upon settlers' claims. The Sioux are generally industrious, and have become quite self-supporting.

It may be thought by some that the terms accorded the Indians by the Treaties were not liberal. There was a difficulty on this point. It was not desirable that large bodies of able-bodied men, whether Indians or not, should be maintained in idleness. The promises in the Treaties, consequently, were moderate. But it was foreseen that owing to the rapid disappearance of the buffalo, the only resource of the plain Indians, a large expenditure would soon have to be incurred by the Dominion Government to keep them from starvation. This turned out to be the case, and in the eighties the expenditure of the Indian Department for destitute Indians averaged over three hundred thousand dollars. Of late years this expenditure has been decreasing, and for the last financial year it was reduced to \$186,342. When the great majority of them became entirely self-supporting, large annuities would to be incurred in rationing and educating them during their be saved, which for a time were necessary. The averaging up, therefore, of the very large outlay that had to be incurred in rationing and educating them during their years of helplessness and tutelage, with the promises really made to them, has made the allowances to them for the extinguishment of their title fairly generous.

A reference to a few statistics will show that I am not mis-stating the case. In the last financial year \$140,780 were paid in annuities under these Treaties. This allowance, capitalized at three and a half per cent., would come to over \$4,000,000. But other large payments were made out of the Dominion treasury for the benefit of these, such as the amount already mentioned for the destitute, \$268,876 for Indian day, boarding and industrial schools; \$9,150 for implements, and \$21,269 for live stock. In short, the annual expenditure for Indians of Manitoba and the North-West Territories during the last twenty years has averaged over \$750,000, which, capitalized at three and a half per cent., would amount to over \$20,000,000. Indeed, since the Treaties were made, the above capital sum has been expended on our Indians in the Western country.

I will now give a few figures to show that our Indians are

making progress. It was thirty years ago last summer since Lieutenant-Governor Morris and I went out to make Treaty 4 at Qu'Appelle Lakes. Thirty years, though a large proportion of one man's allotted span, is but a short period in the evolution of a race. Most of these Indians which met us at Qu'Appelle in 1874 were wild, painted Indians, having buffalo robes or blankets around their shoulders, and a majority of the men with only Nature's leggings.

In the year 1903-4, or just thirty years afterwards, the Indians within this Treaty, 4,482 in number, raised 90,979 bushels of wheat and 58,000 bushels of oats; and the total value of their farm produce, including hay, was \$138,798. They had also 5,075 head of horned cattle, their live stock of all kinds being valued at \$226,888.

The Blackfoot Indians, with whom Treaty 7 was made in 1877, showed even more of the wild Indian than the Crees and others of Treaty 4, yet last year the Blackfoot tribes, with their Stony neighbors, had 8,708 head of cattle, which, along with their ponies and other live stock, were valued at \$268,944.

This industrial advancement gives promise that in another decade or two these Indians will have solved the question of self-support; but it will doubtless take two or three generations before they become really civilized.

I have shown that it has cost a great deal of patience, tact and money to make and carry out the Northwest Indian Treaties. But this great country is well worth it all. The Treaties saved us from Indian wars, for the Indians were not the instigators of the Saskatchewan rebellion in 1885. They have helped to make way for the peaceful march of the settler all over the prairies of the West, and to enable him to cultivate his broad acres in safety.

When I came to Winnipeg in 1874, it was merely a village of less than 2,000 inhabitants. On our journey to Qu'Appelle we passed the last white settler's clearing at Burnside, about ten miles beyond Portage la Prairie. We, however, saw several parties of new-comers moving West, whose journeying reminded me of Whittier's lines—

I hear the tread of pioneers,  
Of nations yet to be;  
The first low wash of waves where soon  
Shall roll a human sea.



That sea has rolled on ever since, and of late years in ever increasing force, until now we have probably one million of inhabitants between Lake Superior Height of Land and the Rocky Mountains. Towns and cities have sprung up, and instead of the war-whoop of the Indian we have the whistle of the steam locomotive, the whirr of the reaper and the threshing machine, and scores of millions of bushels of grain and hundreds of thousands of domestic cattle where half a century ago the buffalo herds were almost the sole denizens of the plains.

In a few months there is every prospect that the chain of Provinces will be completed from the Atlantic to the Pacific. Let us hope they will be the happy homes of tens of millions of people before the twentieth century has run its course. At all events, we can join in the sentiments and aspirations of the Canadian poet who wrote:—

“Through the young giant’s mighty limbs, that stretch from  
sea to sea,  
There runs a throb of conscious life, of waking energy;  
From Nova Scotia’s misty coast unto Columbia’s shore,  
She wakes—a band of scattered homes and colonies no more—  
But a young nation, with her life full beating in her breast;  
A noble future in her eyes—the Britain of the West!  
Hers be the noble task to fill the yet untrodden plains,  
With fruitful, many-sided life that courses through her veins.

\* \* \* \* \*

A people poor in pomp and state, but rich in noble deeds,  
Holding that righteousness exalts the people that it leads.  
As yet, the waxen mould is soft, the opening page is fair;  
It rests with those who rule us now to leave their impress  
there:

The stamp of true nobility, high honor, stainless truth,  
The earnest quest of noble ends, the generous heart of youth,  
The love of country, soaring far above dull party strife,  
The love of learning, art and song—the crowning grace of life;  
The love of science, roaming far through Nature’s hidden  
ways;

The love and fear of Nature’s God—a nation’s highest praise.  
So, in the long hereafter, this Canada shall be  
The worthy heir of British power and British liberty.”





